Customer No.: 31561
Application No.: 10/604,818
Docket No.: 11260-US-PA

REMARKS

Present Status of the Application

In the Office Action dated November 01, 2005, FIG. 2 is objected to under 37 CFR 1.83(a). FIGs 1 and 2 are further objected due to minor informalities.

Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Furthermore, Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama (US 2003/0030382, hereinafter "Koyama").

After traversing the rejections, Claims 1-2 remain pending in the present application, and reconsideration of those claims is respectfully requested.

Discussion of objections to drawings

In response to item 2 on Pages 2-3 of the Office Action, FIG. 2 has been amended to provide clarity for the electrical connection between the data line and the TFT 220. Furthermore, the electrical connection between the TFT 220, the Capacitor 240, the TFT 230, and the TFT 250 is clearly indicated in the amended FIG. 2. The data line is also clearly labeled in the amended FIG. 2.

In response to item 3 on Page 4, FIGs 1-2 have been amended to be designated as "Prior Art".

Based upon the aforementioned drawing corrections, the respective objections to drawings described in Pages 2-4 in the Office Action should be withdrawn.

Discussion of the claim rejections under 35 USC 112

The Office Action rejected Claims 1 & 2 under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement.

In response to the above rejection under 35 U.S.C. 112, first paragraph, the following provides the necessary evidence for enablement, Paragraph [0019] of the present invention describes the following:

"Thereafter, the first TFT 210 and the second TFT 220 are turned on by the scanning control signal of the scanning line. In other words, the charging path of the capacitor 240 is turned on (S320). **Meanwhile, the control system further provides a pre-charging signal (Pre-Charge) to the current source to have the capacitor discharge** in advance (S330). Preferably, this step is set **to have the capacitor 240 discharge to a pre-determined potential value** to facilitate the subsequent charging operation."

As a result, the rejections under 35 USC 112, first paragraph, to Claims 1 and 2 should be overcomed based on the above ample factual technical support for the enabling of the invention in Paragraph [0019].

Discussion of the claim rejection under 35 USC 103

The Office Action rejected Claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Koyama (US 2003/0030382, hereinafter "Koyama").

Applicant traverses the rejection for reasons discussed below.

Rejections based upon 35 U.S.C. 103(a) for Claims 1 and 2 over Koyama are traversed based upon the following:

"Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of **instant and unquestionable demonstration as being well-known**. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration **as to defy dispute**" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).- MPEP 2144.03

"Furthermore, it might not be unreasonable for the examiner in a first Office action to take official notice of facts by asserting that certain limitations in a dependent claim are old and well known expedients in the art without the support of documentary evidence provided the facts so noticed are of notorious character **and serve only to "fill in the gaps" which might exist in the evidentiary showing** made by the examiner to support a particular ground of rejection. *In re Zurko*, 258 F.3d 1379, 1385, 59 USPQ2d 1693, 1697 (Fed. Cir. 2001); *Ahlert*, 424 F.2d at 1092, 165 USPQ at 421.

However, since the Examiner is basing his or her entire argument for obviousness of the claim features **"in an initial stage of the turning on of the charging path used by the current source to charge the capacitor of the AMOLED pixel, providing a pre-charging signal to the current source to have the capacitor discharged"** in Claim 1 and **"the pre-charging signal makes the capacitor to discharge to a pre-determined potential value"** in Claim 2 on "common knowledge" **only** and **not** to "fill in the gaps", it would be **contrary** to the above case law as described in MPEP 2144.03.

In addition, "[i]t **would not be appropriate** for the examiner to take official notice of facts **without citing a prior art reference** where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." – MPEP 2144.03

"It is **never appropriate to rely solely on** "common knowledge" in the art **without evidentiary support** in the record, **as the principal evidence** upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697." – MPEP 2144.03

Based on the above traversal, it is **not appropriate** for the Examiner to allege obviousness of the above claim features/ limitations identified using only a "common knowledge" argument without evidentiary support in the record as the principal evidence.

Furthermore, "As the court held in *Zurko*, an assessment of basic knowledge and common sense that is not based on any evidence in the record **lacks substantial evidence support.** *Id.* at 1385, 59 USPQ2d at 1697. See also *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002)"

As a result, the Applicants request the Examiner to show substantial evidence support of the existence of prior art which teaches the claim features "in an initial stage of the turning on of the charging path used by the current source to charge the capacitor of the AMOLED pixel, providing a pre-charging signal to the current source to have the capacitor discharged" in Claim 1 and "the pre-charging signal makes the capacitor to discharge to a pre-determined potential value" in Claim 2 that is consistent with the standard of patentability and the Graham factual inquiries in MPEP 2141.

If upon no substantial evidence support is found for the features described above in Claims 1-2, Applicants request that the Claims 1 – 2 should be allowed.

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CONCLUSION

For at least the foregoing reasons, it is believed that all the pending Claims 1-2 of the present application patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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